

March 3, 2023

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The Honorable Taryn A. Merkl, U.S.M.J.  
U.S. District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Fossil Group, Inc. et al. v. Angel Seller LLC et al.*, No. 1:20-cv-02441-HG-TAM  
(E.D.N.Y.) – Joint Status Report Regarding Outstanding Issues

Dear Judge Merkl:

We represent Plaintiffs Fossil Group, Inc. (“Fossil”) and Michael Kors, L.L.C. (“MK”) (with Fossil, “Plaintiffs”) in the above referenced matter. Pursuant to Your Honor’s February 17, 2023 Minute Entry Order, we write jointly with counsel for Defendants Angel Seller LLC (“Angel Seller”) and Eric Sternberg (“Sternberg”, and with Angel Seller, “Defendants”) to provide a “joint status report . . . regarding the various outstanding discovery issues by 3/3/2023.”<sup>1,2</sup>

The parties met-and-conferred on March 2, 2023 regarding the following issues, but did not reach a resolution:

1. Defendants’ Motion Regarding Plaintiffs’ November 17 Interrogatory Responses and Objections (Omnibus Request IV, ECF No. 286-1/287 & ECF Nos. 293-1/294; 295-1)
2. Plaintiffs’ Motion to Compel Defendant Sternberg to Supplement Interrogatory Responses (Omnibus Request V, ECF No. 286-1/287)
3. Plaintiffs’ Motion to Compel Defendants’ Expert Documents (Omnibus Request VI, ECF No. 286-1/287)
4. Plaintiffs’ Motion for Order to Show Cause Why Defendants are Not in Contempt (ECF No. 311-1)
5. Defendants’ Motion to Compel Fossil to Correct its Document Production and Verify Interrogatory Responses (ECF Nos. 309-1/310)
6. The completeness of Plaintiffs’ production of their communications with Amazon concerning Angel Seller, which Plaintiffs contend is a new allegation.

Plaintiffs state that, as ordered, they will be providing Defendants with a certification on close of

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<sup>1</sup> Plaintiffs note that the Court did not yet address Plaintiffs’ Request for Damages Expert Discovery after the liability stage. The parties’ positions on this issue were set forth on January 6, 2023 at ECF No. 296 at 2 (¶2(a)-(b)).

<sup>2</sup> Defendants note that they intend to file Fed. R. Civ. P. 72(a) objections to the decisions on multiple discovery issues in the February 17, 2023 Order.

discovery later today.

Plaintiffs also write separately from Defendants for completeness to provide a status update on the following non-party discovery matter that is still open as follows:

7. The Sage Camera Entities' certification regarding what was produced, the search procedures utilized, and the completeness of Sage Camera's production; re Plaintiffs' Motions Regarding the Sage Camera Entities' Compliance with the Subpoenas (ECF Nos. 298, 301-3)
  - The Sage Camera Entities provided the Court-ordered certification on March 3, 2023 and Plaintiffs are now reviewing it.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Korotkin", with a stylized flourish at the end.

Lindsay Korotkin